IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Revision No. 516 of 2001
(Old No. 871/1994)

Asharam and others ..... Revisionists

Versus

State of Uttaranchal and other ..... Respondents

Hon. Irshad Hussain, J.

Heard Sri Nagesh Agarwal learned counsel for the revisionists and Sri K.S. Rautela learned A.G.A. for the respondents.

The revision was admitted only on question of sentence. Perusal of the judgment of the learned Magistrate and the appellate court whereby the conviction and sentence under Section 323 was affirmed on 22.6.1994 indicate that the complainant victim Ratan Singh sustained simple injuries in the year 1987. The revisionists belong to one family and nothing was pointed out at that time that they were having criminal history. As a result of quarrel, the injuries were sustained. The revisionists are facing continuous agony on account of the pendency of the trial till the year 1993 when the judgment in the trial was delivered by the learned Magistrate and thereafter during the pendency of the appeal which finally came to be decided on 22.6.1994. Therefore, they had suffered sufficiently and no doubt must be repenting for their wrong act. Considering that they belong to one family and have no bad antecedents, and further that the occurrence had taken place in the year 1987, no useful purpose will not be served to send them for imprisonment for a brief period of six months as awarded in this case. In other words, the ends of justice will be met if the revisionist are even saddled with the liability of paying enhanced fine than imposed by the learned Magistrate.

For the above reason, the sentence of six months awarded to the revisionists is set aside and the fine of Rs. 500/- imposed thereon in enhanced to Rs. 1,000/- against each of the revisionist. In default of payment of fine each of the revisionists shall undergo simple imprisonment for a period of six months. The revision is disposed of accordingly.

(Irshad Hussain, J.)

Dated 05.12.2003
Rawat